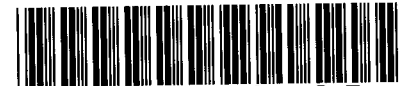


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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 NOV 14 P 12: 32

NOV 14 2007

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
WATER UTILITY OF GREATER TONOPAH,  
INC., FOR APPROVAL OF AN EXTENSION OF  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER UTILITY  
SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. W-02450A-06-0626

IN THE MATTER OF THE APPLICATION OF  
HASSAYAMPA UTILITY COMPANY, INC.,  
FOR APPROVAL OF AN EXTENSION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WASTEWATER  
UTILITY SERVICE IN MARICOPA COUNTY,  
ARIZONA.

DOCKET NO. SW-20422A-06-0566

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On September 7, 2006, Hassayampa Utility Company, Inc., ("Hassayampa" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application (Docket No. SW-20422A-06-0566) for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide public wastewater utility service in various parts of Maricopa County, Arizona.

On September 29, 2006, Water Utility of Greater Tonopah, Inc., ("WUGT" or "Applicant") filed with the Commission an application (Docket No. W-02450A-06-0626) for an extension of its Certificate to include an additional 22,217 acres to its existing Certificated area in Maricopa County, Arizona.

On January 3, 2007, Staff issued a Letter of Administrative Completeness in the Hassayampa docket.

On January 18, 2007, a Procedural Conference was held as scheduled in the Hassayampa docket. Hassayampa and Staff appeared for the Procedural Conference and discussions were held relating to the possible consolidation of the Hassayampa docket and WUGT docket.

On January 19, 2007, by Procedural Order, the timeframe in the Hassayampa docket was

1 suspended pending the issuance of a notice of sufficiency in the WUGT docket and a determination  
2 whether the two dockets should be consolidated.

3 On June 18, 2007, Staff filed a Sufficiency Letter in the WUGT docket, indicating that  
4 WUGT's application had met the sufficiency requirements as outlined in the Arizona Administrative  
5 Code ("A.A.C.").

6 On June 27, 2007, by Procedural Order, the hearing was scheduled to commence on August  
7 28, 2007 in the WUGT docket.

8 On July 5, 2007, Staff filed a Motion to Consolidate the above captioned matters (Docket No.  
9 W-02450A-06-0626 and Docket No. SW-20422A-06-0566) stating the issues in these matters are  
10 substantially related and no parties' rights will be prejudiced by consolidation. Staff further  
11 requested that the hearing set for August 28, 2007 in the WUGT docket be reset because Staff's  
12 witness was unavailable for that date.

13 On August 1, 2007, Belmont LKY 200K Limited Partnership L.L.L.P., an Arizona limited  
14 liability limited partnership; SMT Investors Limited Partnership, an Arizona limited partnership;  
15 Cardon Family, L.L.C., an Arizona limited liability company; Far Marel, L.L.C., an Arizona limited  
16 liability company; Mt. Olympus Investments, L.L.C., an Arizona limited liability company; Neal  
17 Management, L.L.C., an Arizona limited liability company; Michael T. Cowley, as Trustee of the  
18 ANC Irrevocable Trust dated October 18, 2004; Ben Fatto Limited Partnership, an Arizona limited  
19 partnership; Boa Sorte Limited Partnership, an Arizona limited partnership; Viel Gluck Limited  
20 Partnership, an Arizona limited liability partnership; and Goodwin Consultant, L.L.C., an Arizona  
21 limited liability company (collectively, "Belmont") filed a Motion to Intervene.

22 On August 8, 2007, by Procedural Order, Docket No. W-02450A-06-0626 and Docket No.  
23 SW-20422A-06-0566 were consolidated and a procedural conference was set for August 23, 2007.

24 On August 22, 2007, by Procedural Order, the hearing on the consolidated dockets was reset  
25 to commence on September 26, 2007 and Belmont's Motion to Intervene was granted.

26 On August 23, 2007, Staff and Counsel for WUGT and Hassayampa appeared at the  
27 procedural conference to discuss additional procedural matters related to the consolidated dockets.

28 On August 28, 2007, a telephonic conference was held and Staff stated that its witness was

1 unavailable for the September 26, 2007 hearing date and requested that the date for the hearing be  
2 reset.

3 On September 5, 2007, by Procedural Order, the hearing was rescheduled to begin on  
4 November 1, 2007.

5 On October 31, 2007, by telephonic conference, Staff requested the hearing be continued.  
6 There was no opposition to Staff's request. However, because notice of the hearing date and time  
7 have been published, the November 1, 2007 hearing date was reserved for the purpose of taking  
8 public comments.

9 On November 1, 2007, the hearing was commenced for public comments and the evidentiary  
10 portion of the hearing was continued.

11 IT IS THEREFORE ORDERED that the **hearing** scheduled to be held on November 1, 2007,  
12 **shall be continued to December 17, 2007, at 9:30 a.m.**, or as soon thereafter as is practicable, at the  
13 Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

14 IT IS FURTHER ORDERED that **Staff shall file a Supplemental Staff Report on or before**  
15 **December 10, 2007.**

16 IT IS FURTHER ORDERED that Staff's Supplemental Staff Report shall provide a detailed  
17 discussion on the Applicants' compliance with Decision Nos. 68922 and 68307, which shall include a  
18 status report on the compliance issues and a detailed recommendation on how non-compliance with  
19 the above Decisions should be resolved.

20 IT IS FURTHER ORDERED that Staff's Supplemental Staff Report shall address what  
21 impact, if any, Hassayampa's non-compliance with Decision No. 68922, which granted its original  
22 CC&N, has on the granting of the application in this docket.

23 IT IS FURTHER ORDERED that Staff's Supplemental Staff Report shall address what effect,  
24 if any, Hassayampa's non-compliance with Decision No. 68922 will have on the granting of  
25 WUGT's request for an extension of its water services.

26 IT IS FURTHER ORDERED that Staff's Supplemental Staff Report shall provide a detailed  
27 discussion on Hassayampa's infrastructure in the original CC&N area, cost of investments and the  
28 number of customers.

1 IT IS FURTHER ORDERED that Staff's Supplemental Staff Report shall address the issues  
2 raised in the Applicants' Response to the Staff Report filed on October 12, 2007.

3 IT IS FURTHER ORDERED that WUGT, Hassayampa, and any intervenors shall file any  
4 Responses to the Supplemental Staff Report on or before December 13, 2007.

5 IT IS FURTHER ORDERED that the time clock in this matter is extended accordingly.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
7 Communications) continues to apply to this proceeding as the matter is set for public hearing.

8 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
9 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
10 *hac vice*.

11 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
12 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
13 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
14 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
15 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
16 the Administrative Law Judge or the Commission.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
19 hearing.

20 DATED this 14<sup>th</sup> day of November, 2007.

21  
22  
23 YVETTE B. KINSEY  
24 ADMINISTRATIVE LAW JUDGE  
25  
26  
27  
28

Copies of the foregoing were mailed/delivered  
this 14<sup>th</sup> day of November, 2007 to:

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